

of May 13, 1908, authorizing national currency associations, the issue of additional national bank circulation, and creating a National Monetary Commission, which expires by limitation under the terms of such act on the 30th day of June, 1914, are hereby extended to June 30, 1915, and Sections 5153, 5172, 5191, and 5214 of the Revised Statutes of the United States, which were amended by the Act of May 13, 1908, are hereby re-enacted to read as such sections read prior to May 13, 1908, subject to such amendments or modifications as are prescribed in this act. Provided, however, that Section 9 of the act first referred to in this section is hereby amended so as to change the tax rates fixed in said act by making the portion applicable thereto read as follows:

"National banking associations having circulating notes secured otherwise than by bonds of the United States, shall pay for the first three months a tax at the rate of 3 per centum per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax rate of one-half of one per centum per annum for each month until a tax of 6 per centum per annum is reached, and thereafter such tax of 6 per centum per annum upon the average amount of such notes. Provided further, that whenever in his judgment he may deem it desirable, the Secretary of the Treasury shall have power to suspend the limitations imposed by Section 1 and Section 3 of the act referred to in this section, which prescribes that such additional circulation secured otherwise than by bonds of the United States shall be issued only to national banks having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than 40 per centum of the capital stock of such banks, and to suspend also the conditions and limitations of Section 5 of said act except that no bank shall be permitted to issue circulating notes in excess of 125 per centum of its unimpaired capital and surplus. He shall require such bank and currency association to maintain a deposit in the Treasury of the United States a sum in gold sufficient in his judgment for the redemption of such notes, but in no event less than 5 per centum. He may permit national banks, during the period for which such provisions are suspended, to issue additional circulation under the terms and conditions of the act referred

to as herein amended. Provided further, that the Secretary of the Treasury, in his discretion, is further authorized to extend the benefits of this act to all qualified State banks and trust companies which have joined the Federal reserve system, or which may contract to join within fifteen days after the passage of this act."

Approved August 4, 1914.

THIRD DAY.

Senate Chamber,
Austin, Texas,

Wednesday, August 26, 1914.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Warren.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Johnson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McNealus.
Brelsford.	Nugent.
Carter.	Real.
Clark.	Taylor.
Collins.	Terrell.
Conner.	Townsend.
Cowell.	Warren.
Darwin.	Watson.
Gibson.	Westbrook.
Greer.	Wiley.
Hall.	Willacy.
Harley.	

Absent.

McGregor. Morrow.

Absent—Excused.

Hudspeth.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

SENATE CONCURRENT RESOLUTION NO. 1.

Senator Bailey of DeWitt offered the following resolution:

S. C. R. No. 1, Be it resolved by the Senate of Texas, the House of Representatives concurring, That Hon. W. D. Lewis, president of the Farmers' Union of Texas; Hon. H. N. Pope, State organizer of the Farmers' Union of Texas; Hon. E. R. Kone, Commissioner

of Agriculture, and Hon. Peter Radford, ex-president of the Farmers' Union of Texas, be and they are hereby invited to address the Legislature of Texas, assembled in joint session in the Senate Chamber, at such time in the near future as they may select and as may suit their convenience, upon the method of harvesting, storing, and marketing cotton to the end that the true intent of such legislation may be ascertained as will preserve the rights and interest of the farmers of this State.

The resolution was read and Senator Bailey of DeWitt moved that same be adopted.

Senator Townsend offered the following amendment:

Amend the resolution by adding the names: O. P. Pyle and "Cyclone" Davis, after the name "Peter Radford."

Senator Westbrook offered the following substitute for the amendment:

Substitute the amendment to the resolution by eliminating the names "Radford and Lewis."

(Senator Lattimore in the chair.)

Senator Cowell offered the following substitute for the resolution and pending amendments:

Whereas, The Legislature of Texas has been called in extraordinary session to consider warehouse legislation; and

Whereas, It may be of benefit to us as members of the Legislature to hear all who have studied such questions and can offer us any suggestions; therefore, be it

Resolved by the Senate of Texas, the House concurring, That we tender to any citizen of this or any other State the use of the Senate Chamber of this Senate at any hour when the Senate is not in session, in order that he or they may offer such suggestions or addresses as may be of assistance to us in attempting to enact wise legislation upon this subject.

Signed—Cowell, Lattimore, Nugent.

Senator Clark moved to table the substitute, but withdrew the motion.

Senator Bailey of DeWitt made the point of order that the substitute was not germane to the resolution.

The Chair (Senator Lattimore) overruled the point of order.

(President Pro Tem. Warren in the chair.)

Pending discussion of the substitute by Senator Watson, Senator Lattimore made the point of order that the argument was not germane to the matter before the Senate, but pending discussion the point of order was withdrawn.

Senator Bailey of DeWitt made the point of order that the substitute was not germane as a substitute, in that the original resolution provided for inviting four certain gentlemen to address the Legislature, whereas the substitute provided for the invitation of any person.

The point of order was overruled.

Senator Watson moved to table the substitute, and the pending amendments to the original resolution.

Senator Townsend requested unanimous consent to withdraw his amendment to the resolution, but there was objection.

Pending discussion, Senator Gibson asked unanimous consent to offer a simple resolution, but there was objection.

EXCUSED.

By unanimous consent, Senator Willacy moved that Senator Morrow be excused from attendance upon the Senate for an indefinite time, which motion was adopted.

SENATE CONCURRENT RESOLUTION NO. 1.

Action recurred on the pending business, and

Senator Bailey of DeWitt asked unanimous consent to strike from the resolution the words "in joint session."

There was objection.

Pending discussion, action recurred on the motion to table the substitute and amendments to the original resolution, and the same was lost by the following vote:

Yeas—9.

Astin.	Harley.
Bailey of DeWitt.	McGregor.
Bailey of Harris.	Terrell.
Carter.	Watson.
Hall.	

Nays—18.

Brelsford.	Lattimore.
Clark.	McNealus.
Collins.	Nugent.
Conner.	Real.
Cowell.	Taylor.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Westbrook.
Johnson.	Wiley.

Present—Not Voting.

Willacy.

Absent—Excused.

Hudspeth. Morrow.

Action then recurred on the substitute, and

Senator Clark moved to table the original resolution, the pending amendments and the substitute, and moved the previous question on the matter.

The motion for the previous question being duly seconded was so ordered.

Senator Bailey of DeWitt, author of the resolution, asked recognition, but on a point of order by Senator Lattimore was ruled out of order on the ground that the previous question had been ordered.

Senator Watson asked unanimous consent that Senator Bailey of DeWitt be heard, but there was objection.

Senator Watson moved that the rule be suspended, but the motion was ruled out of order on a point of order.

Action then recurred on the motion to table the resolution, amendments and the substitute, and the same was lost by the following vote:

Yeas—6.

Astin.	Johnson.
Carter.	Taylor.
Clark.	Willacy.

Nays—22.

Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McGregor.
Brelsford.	McNealus.
Collins.	Nugent.
Conner.	Real.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Westbrook.
Harley.	Wiley.

Absent—Excused.

Hudspeth. Morrow.

Action then recurred on the substitute, and

Senator Lattimore moved the previous question on same, which motion being duly seconded, was so ordered.

The substitute was adopted by the following vote:

Yeas—20.

Brelsford.	Cowell.
Carter.	Darwin.
Clark.	Gibson.
Collins.	Greer.
Conner.	Hall.

Johnson.	Taylor.
Lattimore.	Townsend.
McNealus.	Warren.
Nugent.	Westbrook.
Real.	Wiley.

Nays—7.

Astin.	McGregor.
Bailey of DeWitt.	Terrell.
Bailey of Harris.	Watson.
Harley.	

Present—Not Voting.

Willacy.

Absent—Excused.

Hudspeth. Morrow.

The resolution, as substituted, was then adopted.

SIMPLE RESOLUTION.

By Senator Gibson:

Resolved, That each Senator be permitted to subscribe for as many as five newspapers, same to be paid for out of the funds set aside for contingent expenses.

Signed—Real, Astin, Bailey of Harris, Darwin, Greer, Townsend, Carter, Gibson, Willacy, Watson, Cowell, Lattimore, Nugent, Hall, Brelsford, Harley.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Wiley:

Whereas, The bills now being considered by the Senate are of such vital importance to the financial interests of the State; and

Whereas, Said bills are now being considered by the Committee on Commerce and Manufactures, I move that the membership of the Committee on Judiciary Nos. 1 and 2 be added to the Committee on Commerce and Manufactures for consideration of the warehouse and marketing bills only.

Senator Brelsford offered the following amendment, which was read and adopted:

Amend by including entire membership of Senate as members of said committee.

The resolution, as amended, was adopted.

SENATE BILL NO. 1 PRINTED IN FULL.

Senator Wiley asked unanimous consent to have Senate bill No. 1 printed

in the Journal of today, which motion was adopted. (The bill will be found following today's proceedings.)

OATH OF OFFICE ADMINISTERED.

Here the Chair administered the constitutional oath of office to Mr. J. W. Shotwell, Enrolling Clerk.

HOUSE BILL NO. 1 PRINTED IN FULL.

By motion the Senate ordered House bill No. 1 printed in today's Journal and the same will be found immediately following Senate bill No. 1.

ADJOURNMENT.

On motion of Senator McNealus the Senate, at 12:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

PETITIONS AND MEMORIALS.

Dallas, Texas, August 24, 1914.
President of the Senate, Speaker of the House, State Capitol, Austin.

Delegates in convention here today of twenty-eight most important cotton counties request legislation to co-operate with Federal government in efforts to assist in handling cotton crop. Resolution adopted that the State Legislature be urged to pass warehouse bill promptly providing for system of loaning money on cotton stored in such warehouses. Texas cotton organization perfected to cover every county and delegates selected to attend Southern Cotton Association at New Orleans, August 27th.

Signed—J. H. Connell, E. G. Senter, W. A. Bowen, Committee.

SENATE BILL NO. 1.

The following bill is printed herewith by order of the Senate:

S. B. No. 1. By Senator Wiley.

A BILL

To be Entitled

An Act construing the term public cotton warehouse, providing for the con-

struction of public cotton warehouse, requiring ginners to construct buildings or platforms for the protection of ginned cotton, directing how cotton shall be wrapped, records to be kept by ginners; construing the term warehouseman, providing for bond of warehouseman, imposing certain duties upon the Commissioner of Insurance and Banking, providing for the issuance of charter to warehouseman, providing for warehouseman records, and examination of public cotton warehouses, defining the terms samples, loose, linter and bolly, making warehouse receipts negotiable, providing for fees of warehouseman, examination of warehouses and charges for such examination, limiting number of warehouses conducted under one charter; requiring railway companies to shed platform and to transport cotton in closed cars, requiring compresses to be supplied with weather-proof platforms to protect cotton, requiring all persons concentrating cotton to provide suitable platforms and sheds to protect same from damage, providing penalties, repealing all laws in conflict, and declare an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1.

Article 1. The term public cotton warehouse as used in this act shall be construed to include any building, platform or place provided for the weighing and storage of cotton for hire or fees, or as a place to hold or concentrate cotton for compressing or shipment, and offered to the public as a place for deposit and storage of cotton for any such purpose.

Article 2. Every person, firm or corporation conducting a cotton gin in this State for hire or fees payable in money, exchange or products, or by any other thing of value shall provide a building, platform or place of sufficient capacity to store such bales of cotton as they may permit to be and remain on their premises after it has been baled and held for delivery to the owner or agent. Such building, platform or place to be so constructed as to protect the cotton stored therein from becoming wet or otherwise damaged by reason of exposure to weather conditions.

Article 3. Every person, firm or corporation conducting a cotton gin shall require the owner or agent tendering

cotton to be ginned to furnish or provide a sufficient quantity of wrapping material to wrap the bale so as to cover and protect the two round sides and the two ends; and shall keep a record of each and every bale ginned, using a serial number, which shall be so kept as to furnish a ready means of identification of any bale ginned, and shall number the bale corresponding to the record number, which shall be placed on the bale by the use of a good grade of marking ink, and shall tag the bale, using tag number corresponding to record number, which cotton tag shall be of a good grade of material commonly used by the cotton trade.

Article 4. Any person, firm or corporation conducting a cotton gin in this State who may violate any of the provisions of Section 1 of the act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars and not more than one hundred dollars, and each day that such violation may be continued shall constitute a separate offense.

Section 2.

Article 1. The term warehouseman, as used in this act, shall be construed to include any person, firm or corporation who shall engage in the business of conducting a public cotton warehouse for hire or fees as is provided in this act.

Article 2. Every public cotton warehouse conducted and operated by and under the provisions of this act shall be so constructed as to completely house and protect all cotton stored therein from damage by reason of becoming wet, absorbing moisture or being exposed to weather conditions, and in such manner as to reduce the fire hazard to such an extent as may be reasonable under local conditions.

Article 3. Before any warehouseman shall engage in the business of conducting a public cotton warehouse he shall make application to the Commissioner of Insurance and Banking for a charter authorizing him to engage in the public cotton warehouse business, which said application shall state the name and address of the applicant, the location of the proposed public cotton warehouse, its capacity, name and of what material constructed. The name of the city or place where the proposed public cotton warehouse is to be located shall be a part of the name of each warehouse,

and no two shall be given the same name.

Article 4. Each and every applicant shall execute a bond in an amount in dollars equal to five times the actual capacity of the proposed public cotton warehouse in bales, payable to the Commissioner of Insurance and Banking, at Austin, Texas, for the use and benefit of any and all persons depositing and storing cotton in the public cotton warehouses designated and described in the bond, conditioned that he will faithfully perform his duties as warehouseman, and it shall be a further condition of said bond that applicant will comply with the rules and regulations of said Commissioner of Insurance and Banking governing the payment of fees, keeping necessary records, issuing receipts and making reports.

Article 5. The bond provided for in Article 4 may be executed by the principal and at least two approved sureties or may be executed by the principal and any approved bonding company doing business in this State as surety.

Article 6. Any person who may have a good cause of action against the warehouseman for damage by reason of any act of the warehouseman shall be permitted to recover on said bond by establishing his claim in any court of competent jurisdiction, and any one or more recoveries shall not invalidate said bond until the full amount of said bond has been recovered and paid.

Article 7. Any payment on said bond or impairment of said bond by any means shall be immediately reported to the Commissioner of Insurance and Banking by the principal and sureties of said bond.

Article 8. The Commissioner of Insurance and Banking shall require the execution of a new bond to be substituted and filed in lieu of any bond that has been reported under Article 7.

Article 9. The Commissioner of Insurance and Banking shall upon the filing and approval of an application and bond, as provided in Articles 3 and 4, issue to the applicant a charter authorizing applicant to engage in the public cotton warehouse business, and the Commissioner of Insurance and Banking shall demand and receive a fee of \$5.00 for each and every charter so issued, which shall be paid into the general fund of the State. All charters issued shall be numbered consecutively and registered in a book provided for that purpose.

Article 10. All public cotton warehouse receipts issued by any warehouseman, as provided in this act, shall be uniform, and the Commissioner of Insurance and Banking shall prepare and adopt uniform receipts, a copy of which shall be furnished each applicant with his charter. Each receipt shall bear the name and number of the public cotton warehouse, which number shall be the same as the charter number, the date issued, to whom issued, the weight of the bale of cotton for which the receipt was issued, the warehouse number of the bale, such notation as may be necessary to show the condition of the bale when received, a statement to the effect that the bale will be delivered upon surrender and cancellation of the receipt, that the receipt is transferable upon delivery, and the words "Bonded Public Cotton Warehouse Receipt" shall be printed on the margin of the receipt.

Article 11. When the warehouseman has received the charter provided for in this act, he shall provide all necessary records for the purpose of keeping a true and correct record of each bale of cotton placed in his warehouse, using a serial number, showing the name of the person depositing or storing the bale, his postoffice address and a number corresponding to the record number shall be placed on the bale by the use of a good grade of marking ink, and shall tag the bale, using number corresponding to record number and the tag used shall be of good quality commonly used by the cotton trade.

The record of each bale shall be so kept as to furnish a ready means of identification of any bale handled by the warehouseman. He shall also obtain a supply of public cotton warehouse receipts, using the form adopted by the Commissioner of Insurance and Banking, and no form other than that adopted shall be issued or used by any warehouseman acting by authority of this act. No receipt shall be issued for more than one bale.

Article 12. All warehousemen acting by authority of this act shall procure and keep accurate and well adjusted scales and balances and give accurate weights, and shall have the same tested and certified to as provided by law.

Article 13. At such time as the warehouseman may have received his charter, paid his fees, constructed his warehouse, obtained all necessary records, receipts, scales and balances, and has complied with all the requirements of

this act and the requests and orders of the Commissioner of Insurance and Banking he shall open his warehouse and begin the actual business of receiving, weighing and storing cotton, as is provided in this act.

Article 14. No public cotton warehouse chartered under this act shall be used for any purpose other than for the weighing and storing of cotton during such time as there may be one or more bales of cotton stored therein.

Article 15. The warehouseman shall issue his receipt for each bale of cotton received by him, and shall make all such records as is provided for by this act.

Article 16. Terms construed:

The term "linter" shall be construed to include all cotton that has been baled by means of reginning the seed.

The term "samples" shall be construed to include all cotton baled by the use of samples drawn from the bale of cotton in the course of trade.

The term "loose" shall be construed to include all cotton baled by the use of yard, warehouse and compress cleaning and pickings.

The term "bolly" shall be construed to include all cotton baled from cotton that has been ginned and ginned by gins equipped with hullers.

Article 17. A warehouseman issuing a receipt for a "linter" shall write the word "linter" on the receipt.

A warehouseman issuing a receipt for a bale of "samples" shall write the word "samples" on the receipt.

A warehouseman issuing a receipt for a bale of "loose" shall write the word "loose" on the receipt.

A warehouseman issuing a receipt for a "bolly" shall write the word "bolly" on the receipt.

The word linter, sample, loose or bolly, when written upon any receipt, shall be placed and written as to readily attract the attention of persons handling the receipt.

Article 18. No warehouseman shall ship, reship nor by any other means transfer or remove the stored cotton from his warehouse except upon the written order of the owner of the cotton, and upon such removal he shall demand the surrender of each and every receipt issued for the bales of cotton being removed, and the owner shall deliver and surrender the receipts upon delivery of the cotton. The order for delivery may be written upon the back of the receipt or may be in the form of

an ordinary shipping list, but shall be signed by the owner of the cotton or his duly constituted agent.

Article 19. The warehouseman shall receive the following fees for services rendered:

For each bale of cotton weighed, not exceeding ten cents.

For marking, sampling and preparing for shipment or delivery, not exceeding twenty-five cents per bale. If a bale remains in the warehouse longer than ten days the warehouseman shall receive a fee of fifteen cents per bale for the first twenty days after the expiration of the first ten-day period, and thereafter per bale per month or fraction of a month, if removed sooner, not exceeding twenty-five cents.

Article 20. The warehouseman shall cancel all receipts delivered to him upon delivery of cotton, and shall keep and retain all such receipts as part of the records of his office. Duplicate receipts may be issued in lieu of original receipts that may be lost or destroyed upon the owner making oath as to the facts and executing an indemnity bond to the warehouseman in double the amount of the value of the cotton represented by the lost receipt, which bond shall be subject to approval by the warehouseman. The duplicate shall be plainly marked "Duplicate," and the warehouseman shall keep a true record of all such duplicates issued.

Article 21. No two or more warehouses shall be conducted under one charter in different towns or cities, but any warehouseman may establish as many branch warehouses in the same town or city as may be necessary to properly care for and house all cotton handled by him; provided, that the establishment of a branch warehouse shall be first reported to the Commissioner of Insurance and Banking and a bond filed, subject to the approval of said Commissioner, in an amount equal to five times the actual capacity of the branch warehouse.

Article 22. Every warehouseman shall make such reports as may be requested by the Commissioner of Insurance and Banking, and shall pay to said Commissioner, for the use and benefit of general fund of the State, an annual tax of five dollars. The records of his office shall be public records and subject to examination by any citizen at all reasonable hours.

He shall submit all records, papers and cotton on hand to an examination

by the Department of Insurance and Banking when requested so to do.

Article 23. The Commissioner of Insurance and Banking shall cause an examination of each public cotton warehouse to be made at least one time during each year, and may make other and more frequent examinations where conditions justify or require, provided that no warehouseman shall be required to pay for more than two examinations in any one year.

Article 24. The Commissioner of Insurance and Banking shall receive the following fees for making examinations provided for in Article 23, which he shall pay into the general fund of the State. Examining warehouses handling 1000 bales or less per annum, ten dollars; 1000 to 5000 bales per annum, fifteen dollars; 5000 to 10,000 bales per annum, twenty dollars, and an additional fee of five dollars for every 1000 bales handled per annum in excess of 10,000 bales, over and above twenty dollars for first 10,000 bales.

Article 25. Any warehouseman who shall violate any of the provisions of this act relating to a warehouseman shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than five hundred dollars, and in addition thereto may have his charter forfeited authorizing him to conduct the business of a warehouseman.

Section 3.

Article 1. Every railway or transportation company doing business in this State and handling cotton for hire shall prepare a suitable platform at each of its shipping points where cotton is handled for the receipt of cotton for shipment, which platform shall be so shedded and constructed as to completely protect all such cotton from becoming wet or in any way damaged by exposure to weather conditions.

Article 2. Every railway or transportation company handling cotton shall furnish cars for shipping cotton that are so constructed as to prevent cotton loaded therein from becoming wet or otherwise damaged by exposure. It shall be a violation of this act for any such railway or transportation company to haul or transport baled cotton in open or flat cars.

Article 3. Any railway or transportation company violating any of the provisions of Section 3 of this act shall be liable to any person who may sue

tain damages by reason of their failure to comply with the terms and conditions of said section, and in addition may be subjected to a penalty of not less than twenty-five dollars and not more than one hundred dollars, and each day that they may fail or refuse to so comply with any part of the provisions of said section shall constitute a separate offense.

Section 4.

Article 1. Every person, firm or corporation owning, leasing, controlling or operating a compress in this State shall construct and prepare a cotton platform or cotton warehouse of sufficient capacity to house and care for such cotton as may be delivered to them for compressing, and the said platform or cotton warehouse shall be so constructed as to prevent cotton stored or held therein becoming wet or otherwise damaged by reason of weather conditions.

Article 2. Any person, firm or corporation owning, leasing, controlling or operating a compress in this State who may violate any of the provisions of Article 1, Section 4, of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars, and each day that they may fail or refuse to comply with this act shall constitute a separate offense.

Section 5.

Article 1. Every person, firm or corporation concentrating cotton at any point in this State for shipment or transportation shall furnish, construct and provide suitable platforms and buildings to protect all such cotton from exposure to weather conditions, and to prevent said cotton becoming wet and otherwise damaged.

Article 2. Every person, firm or corporation violating all or any part of Article 1, Section 5, of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars and not more than five hundred dollars, and each day that the violation may be continued shall constitute a separate offense.

Article 3. All laws and parts of laws in conflict herewith are hereby repealed.

Article 4. The local conditions in each community, town and city shall be given full consideration, and no forfeitures or penalties shall be imposed

under this act until such time as the parties at interest may have had a reasonable time to make such improvements and changes in business. Pending such time as changes are being made by the construction of improvements the former statutes shall apply and be effective.

Article 5. Should any section or article of this act be declared unconstitutional or void for any reason it shall not affect the validity and enforcement of any other portion of same.

Article 6. The importance of the legislation proposed in this act and the relief to be had hereunder, and the fact that the present session of the Legislature may expire within a few days, renders it improbable that this bill can be read on three several days in each house, and thereby creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect from and after its passage, and it is so enacted.

HOUSE BILL NO. 1—EMERGENCY WAREHOUSE BILL.

The following bill is printed herewith by order of the Senate:

A BILL

To be Entitled

An Act to preserve the credit of the citizens of the State of Texas generally and to prevent the sacrifice of a large part of the products of its industry; to assist in maintaining the solvency of the banks chartered by the State and to preserve intact the depositors' guaranty fund; to maintain the integrity of the actual values of the products of industry during the present period of financial disturbance, to the end that taxes may be collected and taxable values maintained; to furnish a certain, safe, authoritative and liquid security, to enable the people of the State generally to obtain their ratable and proper distribution of currency which may be issued by the national government and generally to preserve the credit and industrial and financial integrity of the State; authorizing and requiring the Commissioner of Insurance and Banking to establish a State warehouse system for the storing of cotton in bales, wheat in elevators, and other products of industry; prescribing the

terms and conditions and rules and regulations under which such officer shall establish said warehouse system, conferring certain authority upon him with reference thereto and conferring authority upon incorporated cities and towns to contribute to the cost and expense of such system in their respective locations and conferring authority upon private corporations to make contributions for such purpose; authorizing the Commissioner to appoint managers at each local warehouse, fixing the bond and defining the duties of such managers; prescribing the terms and conditions of warehouse receipts to be issued by the managers of warehouses established by the Commissioner of Insurance and Banking, and prescribing when and under what conditions such receipts may be issued and when duplicates may be issued; defining negotiable and non-negotiable receipts; prescribing when property placed in State warehouses shall be delivered upon the surrender of receipt and all terms and conditions, rules and regulations governing State warehouses established by the Commissioner of Insurance and Banking; defining the liability of the State as a public warehouseman and permitting suits to be brought against it as such; prescribing the venue thereof; prescribing that the Commissioner of Insurance and Banking shall fix the charges for storage; authorizing the Commissioner of Insurance and Banking to have all products stored in State warehouses insured; defining what character of buildings may be used for warehouse and storage purposes; providing for the appointment of warehouse examiners by the Commissioner of Insurance and Banking, prescribing their duties, conferring authority upon the Commissioner of Insurance and Banking to have State warehouses examined by the State bank examiners; providing how the warehouseman's lien provided for in the measure may be satisfied; stating when the Commissioner of Insurance and Banking shall cease to receive cotton in storage under the act; declaring that all public cotton gins are charged with the public use and levying an occupation tax of 10 cents per bale against each public cotton ginner in the State; creating special fund to be used only in the administration of this law; defining the standard of weights and measures and classification to govern the Commissioner in

administering this act; creating certain penal offenses to secure the enforcement of the act and prescribing penalties therefor; making an appropriation to carry out the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It is declared that this act is an emergency measure, made necessary by the conditions brought about by the wars on the continent of Europe.

The purpose of this act is to preserve the credit of the citizens generally of the State; prevent the sacrifice of a large part of the products of its industry now impending and due to the calamities and exigencies of war; to assist in maintaining the solvency of the banks chartered by the State of Texas, and preserve intact the depositors' guaranty fund; to maintain the integrity of the actual values of the products of industry during the present period of financial disturbance, to the end that taxes may be collected and taxable values maintained; to furnish a certain, safe, authoritative and liquid security, to enable the people of the State generally to obtain their ratable and proper distribution of currency issued or authorized to be issued by the national government, or other relief issues of money or currency made by the national government or authorized to be made by it; and generally to preserve the credit and industrial and financial integrity of the State.

Sec. 2. This act shall be administered by the Commissioner of Insurance and Banking. To aid him in this work he is empowered to appoint a chief clerk of the warehouse division of his department, who shall perform the duties usually incident to that character of position and such other duties as may be assigned him by the Commissioner. Such chief clerk shall be paid the sum of three thousand (\$3000) dollars per annum, payable monthly, and shall hold his position at the will of the Commissioner. The Commissioner of Insurance and Banking shall also have authority to employ such clerks, stenographers, experts, managers, examiners, and such other help as may be necessary in carrying out the provisions of this measure. All those employed by the Commissioner for any purpose shall receive such salary and compensation as may be fixed by him, except as herein otherwise provided, and, in addition thereto, shall,

when traveling on official business receive their actual necessary traveling expenses.

Sec. 3. It shall be the duty of the State banks chartered under the laws of this State to render the Commissioner such assistance as he may request in putting into effect, and in administering this act.

Sec. 4. As soon as this act goes into effect the Commissioner shall establish in each town or city of this State, whether incorporated or unincorporated, where the demand therefor is reasonably sufficient to justify the outlay, a State warehouse for the storage of cotton in the bale, and shall store the same and issue receipts therefor in the manner herein provided. Only in cases of extreme necessity and when the income will probably justify the outlay shall the Commissioner erect or purchase warehouses, but he shall rent and lease the same. Should the Commissioner, however, find it necessary to erect or purchase a warehouse he shall take title thereto in his name as Commissioner of Insurance and Banking, and when he ceases to use such property under the provisions of this act he shall sell the same, execute a proper deed thereto in the name of the State and place the proceeds thereof in the special fund created by this act.

Before establishing any warehouse hereunder in any incorporated city or town the Commissioner may, in his discretion, require such city or town to agree to pay and to pay all or any part of the cost of establishing and operating such warehouse; and authority is hereby conferred upon all incorporated cities and towns and villages of this State to appropriate and use as much of their general funds as may be necessary for such purpose. The Commissioner may also, in his discretion, before establishing any warehouse hereunder at any place require the citizens of such place, represented by some responsible body or committee, to agree to pay and pay all or any part of the cost of establishing and operating such warehouse, and authority is hereby conferred upon all private corporations, chartered under the laws of the State of Texas, to contribute so much of their funds as may be necessary for such purpose, in aiding the citizens of any particular place to obtain in the manner suggested the establishment and maintenance of a warehouse under this act.

Sec. 5. Each warehouse shall be in charge of a manager to be appointed by

the Commissioner, who shall be competent to keep the books required to be kept and to grade and classify cotton. The manager shall give bond payable to the State at Austin, Texas, in the sum of two thousand five hundred (\$2500) dollars in towns or cities of a population of less than twenty-five hundred (2500); five thousand (\$5000) dollars in towns and cities of a population exceeding twenty-five hundred (2500) and less than ten thousand (10,000); seven thousand five hundred (\$7500) dollars in towns and cities of a population exceeding ten thousand (10,000) and less than twenty-five thousand (25,000); and in the sum of ten thousand (\$10,000) dollars in towns and cities of a population exceeding twenty-five thousand (25,000). The population shall be ascertained by multiplying the number of school children shown by the last preceding school census within the limits of such town, city or village by five. There shall be but one manager in each town, city or village, regardless of the fact that the Commissioner may establish any number of warehouses in each such town, city or village. The bond of the manager shall be conditioned for the faithful and competent discharge of his duties under this act, and shall be in form drawn by the Attorney General. The manager of warehouses in each such town, city or village shall receive such salary as may be fixed by the Commissioner and shall employ such help as may be necessary in the discretion of the Commissioner.

Each manager shall have a certificate signed by the Commissioner of Insurance and Banking showing his appointment as manager, which he shall keep displayed in his office at the warehouse.

Sec. 6. Warehouses established under this act shall be conducted under rules fixed by the Commissioner of Insurance and Banking, in order to effectively carry out its provisions, and it shall be the duty of the Commissioner, as soon as may be after organizing this division of his department, to promulgate rules and regulations and forms by which the provisions of this law may be carried out.

Sec. 7. Each warehouse receipt issued hereunder shall bear the date of issuance and shall state upon its face the name and number of the warehouse and its location, the description, quantity, number and marks of the cotton there stored, and shall state the class and weight of the same, and the date on which it was originally received in the warehouse,

and that it is deliverable upon the return of the receipt properly endorsed by the person to whose order it was issued and upon payment of all charges for storage and insurance, which charges shall be stated on the face of the receipt, to secure all of which the State shall have a warehouseman's lien.

All such receipts shall be numbered consecutively in the order of their issuance, and shall state whether the cotton therein described is exposed to the weather or under shelter. A correct record of such receipts shall be kept in a well bound book, which shall be at all reasonable hours open to examination by any interested person.

No two receipts bearing the same number shall be issued from the same warehouse during the same year, nor shall any duplicate receipts be issued, except in the case of a lost or destroyed receipt, in which case a new receipt shall bear the same date and number as the original and shall be plainly marked on its face "duplicate." A receipt in which it is stated that the goods shall be delivered to the recipient or to any other specified person is a non-negotiable receipt. A non-negotiable receipt shall have plainly marked upon its face by the manager issuing it "non negotiable" or "not negotiable." A receipt in which it is stated that the goods will be delivered to the bearer or to the order of any person named in such receipt is a negotiable receipt.

In addition to other provisions each receipt shall have a blank form on the back thereof to be filled in and signed by the owner of the cotton, showing whether such cotton is free from encumbrance or liens of any kind. If there is any encumbrance or liens of any kind on said cotton at the time of its storage the nature and amount of the same shall be clearly set out and it is made the duty of the manager issuing the receipt to have said blank filled in and signed by the owner of the cotton before issuing a negotiable receipt for the same; provided, however, such statement may not be made if a non-negotiable receipt is desired.

If the person holding a non-negotiable receipt shall desire to obtain a negotiable receipt in lieu thereof he shall return said non-negotiable receipt to the warehouse issuing the same and thereupon shall comply in every respect with the provisions of this act relating to negotiable receipts, upon compliance with which a negotiable receipt shall be issued to him in lieu of said non-ne-

gotiable receipt and said non-negotiable receipt shall thereupon be cancelled, and the word "cancelled" plainly marked or stamped in ink across the face thereof.

No warehouse receipt shall be issued except on the actual previous delivery of the goods in the warehouse or on the premises and under the control of the manager thereof.

A duplicate shall not be issued until the person applying therefor gives a bond equal to the value of the goods for which the same is issued, which bond shall be given under such rules and regulations as the Commissioner may prescribe.

Sec. 8. Upon the presentation and return to the warehouse of any public warehouse receipt issued by its manager and properly endorsed, and the tender of all proper warehouse charges upon the property represented by it, such property shall be delivered immediately to the holder of such receipt, but the manager of such warehouse who shall issue a receipt for cotton shall not, under any circumstances or upon any order or guaranty, deliver the property upon which receipts have been issued until such receipts have been delivered and cancelled, except in case of lost receipts; and upon any default in strict compliance with the terms of this article the manager shall be held liable not only to the State on his bond but to the lawful holder of the receipt for the full value of the property therein described; and shall further be liable to the special penalty herein provided.

Upon delivery of the goods in a warehouse upon any receipt such receipt shall be plainly marked or stamped in ink across the face thereof with the word "cancelled," together with the name of the manager cancelling the same, and shall thereafter be void and shall not again be put into circulation, but shall be filed for further inspection.

Sec. 9. The liability of the State shall be that of a public warehouseman and suits may be brought against the State for any liability arising in favor of any one who has stored cotton in warehouses under this act, either at Austin, in Travis county, Texas, or in the county in which is located the warehouse where the cause of action accrued; service may be had upon the Commissioner of Insurance and Banking, or upon the local manager of the warehouse.

But in all instances before suit may be brought and maintained a statement of the claim, properly sworn to, giving

the amount thereof, and the manner in which it arose, shall be delivered in person or by mail to the Commissioner of Insurance and Banking within ninety days after the accrual of the cause of action, or such notice may be given by delivering a copy of the same to the local manager of the warehouse at which the cause of action arose. No personal liability shall attach to the Commissioner of Insurance and Banking for any action done by him or by his managers under the terms of this act.

Sec. 10. A negotiable receipt issued against cotton stored in a warehouse under this act shall be negotiable and transferable by endorsement in blank or by special endorsement and delivery in the same manner and to the same extent as bills of exchange and promissory notes now are, without any other formality; and the transferee or holder of such warehouse receipt shall be considered and held as an actual and exclusive owner to all intents and purposes of the property therein described, subject only to the lien and privileges of the warehouse for storage, insurance and other warehouse charges; provided, however, that all such warehouse receipts that shall have the words non-negotiable plainly marked or stamped on the face thereof shall be exempted from the provisions of this section.

The manager of each warehouse shall keep a carbon copy of each receipt, whether negotiable or non-negotiable, issued by him and which shall have printed in large letters across the face of the same "Carbon Copy." Such carbon copy shall be of no value for any purpose, except as part of the records of the office of the manager issuing the same.

Sec. 11. All charges for storage shall be fixed by the Commissioner and need not be necessarily the same at all places, but shall be fixed by him, taking into consideration the amount of cotton, local conditions and necessities, the object in view being to collect a sufficient amount at each local warehouse to pay for its operation, but at the same time make the rates reasonable and just. The Commissioner shall in his rules and regulations prescribe when insurance, warehouse charges and other charges shall be due and payable.

Sec. 12. All cotton placed in warehouses shall be insured by the Commissioner, either by individual policies or by blanket policies covering any and all cotton in any State warehouse, the method and manner of securing the in-

surance to be left to the judgment, discretion and experience of the Commissioner. In the event of any loss or damage the Commissioner shall collect the insurance due and pay the same over ratably and equitably to those lawfully entitled to the same. All insurance policies shall be issued in the name of the Commissioner of Insurance and Banking.

All cotton placed in a warehouse must be insured and the premium shall be collected from the owner of the cotton by the Commissioner and the State shall have warehouseman's lien for the insurance on the cotton, the same as it has for storage charges.

Sec. 13. Cotton shall not be stored in wooden buildings and none shall be stored in anything but waterproof buildings, so that the entire bale shall be protected from the weather. The Commissioner shall equip all places of storage with such practical fire protection as the location and necessities of the warehouse will permit and in all instances every practical safeguard shall be taken, and in the rules and regulations to be formed by the Commissioner governing his managers he shall set forth the general details of the system of fire protection and shall enforce the same; to this end he shall have the right to call to his assistance all the experts, engineers and employes of the State Fire Insurance Commission.

Sec. 14. All warehouse receipt books shall be designed by the Commissioner and printed under his direction and be furnished each warehouse by him, each receipt being numbered and accounted for by the manager under such rules as the Commissioner may provide. Each receipt shall contain the lithographed or engraved signature of the Commissioner of Insurance and Banking and the lithographed or engraved seal of his Department, but the same shall be signed with pen and ink by the local manager.

Sec. 15. All local managers shall make daily reports, if required, to the Commissioner of Insurance and Banking, showing the amount, grade, character, classification and weight of cotton received and delivered by him and from whom received and to whom delivered; said reports to be in such form as may be designed by the Commissioner of Insurance and Banking. Such manager shall also make such other reports as may be required by the Commissioner. All reports required by the Commissioner shall contain such other in-

formation as may be requested by the Commissioner.

Sec. 16. The Commissioner of Insurance and Banking shall appoint a sufficient number of warehouse examiners to visit each local warehouse from time to time and carefully examine the records kept by the managers and the contents of said warehouses, and make such reports to the Commissioner of Insurance and Banking relative thereto and relative to all other matters that may be required and specified by the Commissioner concerning such warehouses. Such examiners shall visit each warehouse at least twice during each cotton season and at such other times as may be designated by the Commissioner of Insurance and Banking.

Sec. 17. Every warehouse examiner appointed by the Commissioner shall be an expert bookkeeper and accountant and cotton classer, and before entering upon the duties of his office shall take and file in the office of the Commissioner the constitutional oath, and in addition thereto shall take an oath to make fair and impartial examinations and that he will not accept as presents or emoluments any pay, directly or indirectly, for the discharge of any act in the line of his duty other than the remuneration accorded and fixed by law; and that he will not reveal the condition of any warehouse examined by him or of any storage account examined by him or give any information secured in the course of examination to any one except to the Governor, the Commissioner and the Attorney General; and except when required to do so in the enforcement of the law upon the order of a district or county judge.

No such examiner shall be appointed who is at the time an officer or stockholder in any warehouse company or warehouse corporation or a member of any firm or an officer of any corporation engaged in the purchase or sale of cotton or cotton products.

Each such examiner shall enter into a bond payable to the State, in the sum of ten thousand dollars (\$10,000), to be approved by the Commissioner and deposited in his office, conditioned that he will faithfully perform his duties as such examiner.

As full compensation for the performance of the duties of examiner each person so appointed shall be entitled to receive a salary of two thousand dollars (\$2000) per annum, and all necessary traveling expenses. An itemized account of such expenses shall be ren-

dered monthly under oath by each examiner and shall be approved by the Commissioner. Provided, however, the Commissioner may, in his discretion, cause State Bank Examiners to perform the duties of Warehouse Examiners in addition to their duties as State Bank Examiners, where such action will be economical, desirable and practical; in such instance, however, it will not be necessary for the State Bank Examiner to make any additional bond or take any additional oath. The expense of any examination by a State Bank Examiner shall be borne by the funds appropriated for the enforcement of this law. State Bank Examiners performing the duties of State Warehouse Examiners shall during the time they perform such additional duty receive as additional compensation therefor the sum of fifty dollars (\$50) per month.

Sec. 18. The Commissioner shall have authority and it shall be his duty if he finds it necessary in addition to local warehouses to prepare and maintain warehouses at points of concentration.

Sec. 19. The warehouseman's lien herein provided for when same has become due may be satisfied as follows:

The manager shall give a written notice to the person on whose account the goods are held, and to any other person known by the manager to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(a) An itemized statement of the manager's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any

valid claim of the manager for which he has a lien on the goods. The sale shall be had in the place where the lien is acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale shall be published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the manager shall satisfy the lien, including the reasonable charges of notice, advertisement and sale; and balance, if any, of such proceeds shall be held by the manager, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouse manager the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The manager shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise the manager shall retain possession of the goods according to the terms of the original contract of deposit.

Sec. 20. The Commissioner shall cease to receive cotton for storage under this act on the first day of March, A. D. 1916, this act being intended as an emergency measure but he may sooner cease at any one or more places when the demands of the public do not justify the further operation of any particular warehouse or warehouses.

Sec. 21. No action shall be brought against the Commissioner or his local managers for any lawful action taken under this act, but all such suits shall be brought against the State; and the same shall be defended by the Attorney General, but the Commissioner may, if

necessary, employ counsel in any particular suit.

Sec. 22. All public cotton gins are declared to be charged with the public use and shall not be permitted to operate, except by paying the occupation tax herein specified. By a public cotton gin is meant one which gins cotton for the public generally. There is hereby imposed upon all such ginners, whether they are individuals, partnerships, joint stock associations or corporations, in addition to all other taxes paid by them an occupation tax of ten cents per bale for each and every bale of cotton ginned by them after this act goes into effect, which amount, together with a list of the cotton ginned by them and the numbers of each bale, shall be remitted to the Commissioner of Insurance and Banking at Austin, in Travis county, Texas, on the first and fifteenth days of each month, each report containing the number of bales ginned for the previous fifteen days, together with ten cents tax for each bale so ginned. The Commissioner of Insurance and Banking will receipt the ginner for each remittance thus made, which receipt shall be a license authorizing the ginner to continue to gin cotton until he is required by this law to make another report of his taxes. The Commissioner of Insurance and Banking and any one appointed by him for such purpose shall have access to the books and records of any and all public ginners for the purpose of ascertaining the number of bales of cotton ginned by such ginners and the amount of taxes due and in default of payment of such taxes shall report such fact to the Attorney General who shall bring, or cause to be brought, the necessary suits for the collection of the same, as well as to prohibit further operation of any gin by such ginner or ginners until such tax is paid.

Sec. 23. All charges, funds, dues and taxes collected under this act shall constitute a special fund to be used only in the administration of this law and paying obligations hereunder until further action be taken by the Legislature; and all such funds are hereby appropriated for such purposes.

In addition the foregoing there is also hereby appropriated out of any funds in the Treasury not otherwise appropriated for the two years ending August 31, 1916, the sum of _____ dollars or so much thereof as may be necessary for administering the affairs of this division of the Department of Insurance and Banking.

Sec. 24. In the event the Commissioner should have space in any particular warehouse in excess of its use for cotton he may store and issue receipt for other non-perishable farm products, but the general purpose of this law is the storage of cotton, and the storage of all other farm products shall be incidental and optionary with the Commissioner as to each particular warehouse.

Sec. 25. The standards of weights and measures of this State shall be the standards of weights and measures used under this act. It shall be the duty of the Commissioner to establish standards of classification for cotton and the originals of such standards shall be maintained subject to inspection in his office in the State Capitol. Duplicates of said classification of cotton, as well as standards of weights and measures, shall be furnished to the managers of each warehouse as soon as may be done. The standards of classification of cotton shall be the same as those established by the Standard Cotton Exchanges of the United States; but it shall not be necessary for the manager of any particular warehouse to receive such standards from the Commissioner before he may begin operation; it is only intended by this provision that such standards shall be ultimately furnished when the Commissioner is able to furnish the same.

Sec. 26. The manager of any warehouse operating hereunder or any employee or servant at a warehouse who issues or aids in issuing a receipt, knowing that the goods for which said receipt is issued have not been actually received in the warehouse or are not under the control of the manager thereof, shall be guilty of a felony and upon conviction shall be punished for each offense by confinement in the State penitentiary for a period not exceeding five years or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 27. Any manager of a warehouse or any employee or servant at a warehouse who fraudulently issues or aids in fraudulently issuing a receipt for goods, knowing that the same contains any false statement, other than that defined by Section 26 hereof, shall be guilty of a felony and upon conviction shall be punished for each offense by confinement in the State penitentiary for any period of time not exceeding two years or by fine not exceeding one thou-

sand dollars, or by both such fine and imprisonment.

Sec. 28. Any manager of or any employee or servant at a warehouse under this act who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same, or any part thereof, is outstanding and uncanceled, without plainly placing on the face thereof the word "duplicate," except in the case of a lost or destroyed receipt, shall be guilty of a felony and on conviction shall be punished for each offense by confinement in the State penitentiary for any period of time not exceeding five years or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 29. Any manager of a warehouse or servant or employee at a warehouse who delivers goods out of the warehouse, knowing that a negotiable receipt the negotiation of which would transfer the right of the possession of the goods is outstanding and uncanceled, without obtaining possession of such receipt at or by the time of its delivery, except in case of a lost or destroyed receipt, shall be guilty of a felony and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for any period of time not exceeding one year or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

Sec. 30. Any person who deposits goods in a warehouse under this act, which he has no title or upon which there is a lien or mortgage and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive, and without disclosing his want of title or the existence of a lien or mortgage, shall be guilty of a felony, and upon conviction shall be punished for each offense by imprisonment in the State penitentiary for any period of time not exceeding five years or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

Sec. 31. Any person who wilfully and knowingly violates any of the provisions of this act for which a penalty is not otherwise provided, or who wilfully and knowingly does any act or thing prohibited by this act for which a penalty is not otherwise provided, or who wilfully or knowingly fails to do anything herein provided for, for which a penalty is not otherwise provided, shall be guilty of a misdemeanor and upon conviction shall be punished by

a fine of not exceeding one thousand dollars or by confinement in the county jail for a term not exceeding one year or by both such fine and imprisonment.

Sec. 32. Only cotton or other products grown in the State of Texas shall be stored in warehouses operating under this act.

Sec. 33. It is further provided that the Commissioner may lease wheat and grain elevators, and store and issue receipts for wheat and grain in the same manner as herein provided for cotton, and to the same extent, should it become necessary in furtherance of the general public purpose of this act; and that in so doing all the provisions of this measure with reference to cotton shall apply, so far as practicable.

Sec. 34. If any particular section of this act shall be held unconstitutional such holding shall not invalidate any other portion thereof.

Sec. 35. The importance of the legislation proposed in this act and the necessity of providing immediately sufficient warehouses to store the cotton products of this State, in view of the financial disturbances due to the European wars, creates an emergency and an imperative public necessity requiring that the constitutional rule providing bills shall be read on three several days in each house shall be suspended and the said rule is so suspended and this act shall take effect from and after its passage and it is so enacted.

FOURTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, August 27, 1914.

The Senate met pursuant to adjournment, and was called to order by President Pro Tem. Warren.

Roll call, a quorum being present, the following Senators answering to their names:

Astin.	Harley.
Bailey of DeWitt.	Hudspeth.
Bailey of Harris.	Johnson.
Brelsford.	Lattimore.
Carter.	McGregor.
Clark.	McNealus.
Collins.	Real.
Conner.	Taylor.
Cowell.	Terrell.
Darwin.	Townsend.
Gibson.	Warren.
Greer.	Watson.
Hall.	Wiley.

Absent.

Nugent
Westbrook.

Willacy.

Absent—Excused.

Morrow.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Cowell.

EXCUSED.

On account of important business:

Senator Willacy, for today and balance of this week, on motion of Senator Watson.

Senator Nugent, indefinitely, on motion of Senator McNealus.

SIMPLE RESOLUTION.

By Senator McNealus:

Resolved, That the following names be added to the list of stenographers or typewritists to be employed by the Senate during the Second Called Session of the Thirty-third Legislature, in accordance with the terms of a resolution providing for such employes adopted August 24, being the first day of said Special Session; and provided further that said additional stenographers or typewritists shall receive the same pay for their services as heretofore provided for: Mrs. Mabel Kinzey, Miss Lila Fuller, Hayden Moore, Miss Daisy Reedy, Mrs. M. Morrison.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator McGregor, by request:

Whereas, Bills are now pending before the Interstate Commerce Committee of the national House of Representatives, and before the Public Health Committee of the Senate of the United States, which contemplate the conversion of military or other reservations no longer used by the Federal government into sanatoria and hospitals for the care of some of the indigent stranger consumptives who come to the Southwest in large numbers; and

Whereas, It is desired to secure an early and favorable committee report upon these bills so that they may be considered at the present session of Congress; therefore, be it

Resolved, That the Texas congress-